

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TECHNOLOGY PROPERTIES LIMITED
LLC, et al.,

Plaintiffs,

v.

CANON INC., et al.,

Defendants.

Case No. [14-cv-03640-CW](#) (DMR)

ORDER RE: MOTION TO SEAL

Re: Dkt. No. 366

The parties have filed a joint discovery letter. They have also submitted a motion to file portions of the joint letter under seal. [Docket Nos. 366, 366-4.] This order addresses only the motion to seal.

I. LEGAL STANDARDS

Civil Local Rule 79-5(b) states that “no document may be filed under seal (i.e., closed to inspection by the public) except pursuant to a court order that authorizes the sealing of the particular document, or portions thereof. A sealing order may issue only upon a request that establishes that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law (hereinafter referred to as ‘sealable’).” “The request must be narrowly tailored to seek sealing only of sealable material, and must conform with Civil L.R. 79-5(d).” *Id.* Furthermore, “[r]eference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable.” Civ. L.R. 79-5(d)(1)(A).

Pursuant to Civil Local Rule 79-5(e), a party must file under seal a document designated as confidential by the opposing party or a non-party or a document containing information so designated by an opposing party or a non-party. “Within 4 days of the filing of the Administrative Motion to File Under Seal, the Designating Party must file a declaration as required by subsection

79-5(d)(1)(A) establishing that all of the designated material is sealable.” Civ. L.R. 79-5(e)(1).
 “If the Designating Party does not file a responsive declaration as required by subsection 79-5(e)(1) and the Administrative Motion to File Under Seal is denied, the Submitting Party may file the document in the public record no earlier than 4 days, and no later than 10 days, after the motion is denied.” Civ. L.R. 79-5(e)(2).

II. DISCUSSION

Plaintiffs moves to seal portions of the joint letter containing information designated by third-party SanDisk Corporation (“SanDisk”) as confidential. The material Plaintiffs seek to file under seal includes brief references to labels that appear on confidential documents produced by SanDisk, but these labels do not appear to be confidential themselves. SanDisk has not filed the responsive declaration required by Civil Local Rule 79-5(e)(1) establishing that all of the designated material is sealable. Therefore, by no later than January 29, 2016, SanDisk shall file the responsive declaration required by Civil Local Rule 79-5(e)(1), explaining why the designated material is sealable.

IT IS SO ORDERED.

Dated: January 26, 2016

